Remarks

Applicants have amended claims 1, 2, 18, 19, 22, 24, 25 and 36. No claims have been added and no claims have been canceled. Consequently, claims 1-37 remain pending in the instant application. Support for the amendments is found throughout the original specification and claims, for example, at page 2, second paragraph. Reconsideration and withdrawal of the outstanding objections and rejections in view of the foregoing amendments and arguments set forth below is respectfully requested.

Oath

The Examiner has objected to the Oath for the reasons set forth in paragraphs 1 and 3 of the Office Action. Applicants will provide a substitute Oath in due coarse.

Objections to the Specification and Claims

In paragraphs 2 and 3 of the Office Action, the Examiner has made minor objections to the specification. Applicants have amended the specification and claims in the manner suggested by the Examiner thereby overcoming the objections. Namely, the specification and claims appropriately distinguish the terms "Periamin" and "Onconase" as trademarks. Generic terminology is adequately provided in the specification, for example page 22, line 5 and page 5, line 11.

Applicants respectfully do not understand the Examiner's comments regarding the Brief Description of the Drawings since description of Figures 1-7 is adequately provided at page 5 of the specification. Clarification of the objection is respectfully requested, should the Examiner maintain this rejection.

Claim Rejections – 35 U.S.C. § 112, second paragraph

In paragraph 5 of the Office Action the Examiner has rejected claims 2, 19, 22, 24, and 25 as allegedly indefinite. Specifically, the Examiner's reasoning is set forth on pages 4 and 5 of the Office Action. Applicants respectfully traverse the rejection.

Initially, Applicants submit that "antibody fragment conjugate" is definite. Indeed the specification, at the paragraph bridging pages 13 and 14, clearly defines the term "antibody fragment" as a molecule which specifically binds to a complementary antigen and which is derived from a whole immunoglobulin by cleavage, by recombinant methods or by any other

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process that results in a functional equivalent of a conventional antibody fragment. Examples of suitable antibody fragments include divalent fragments, e.g., F(ab)₂, F(ab')₂, monovalent fragments, e.g., Fab, Fab', Fv, single chain recombinant forms of the foregoing, and the like. Antibody fragments may be glycosylated, for example containing carbohydrate moieties in the antibody variable regions, the specification. Thus the term "antibody fragment conjugate" is not indefinite since one of ordinary skill would necessarily know what an antibody conjugate is.

In the interest of the forwarding the application to issue, Applicants adopted the Examiner's suggestions regarding the remaining grounds of rejection. However, with regard to claim 22 (indicated in the Action as claim 19), although Applicants have removed the indicated language "recombinant form thereof", the recited onconase should be understood to encompass both natural and recombinant forms thereof.

Applicants respectfully submit that the claims distinctly describe the instant invention. Accordingly, reconsideration and withdrawal of the rejection respectfully is requested.

Claim Rejections – 35 U.S.C. § 112, first paragraph

In paragraph 6 of the Office Action, the Examiner has rejected claims 1-37 as allegedly lacking enablement. Specifically, the Examiner states that the specification does not enable reducing kidney retention of those protein conjugates outside the of the range 10 kD – 60 kD, since only protein conjugates in this range are effectively filtered by the glomerulus. Applicants respectfully traverse the rejection.

While not acquiescing in the propriety of the rejection, and merely in the interest of forwarding the instant application to allowance, Applicants have amended the claims to recite protein conjugates with molecular weights not greater than 60 kD. Ample support is provided in the specification, for example page 2, first paragraph.

Applicants do not believe that the instant protein conjugates should be bound by a lower limit, such as the suggested 10 kD. In this regard, it is certainly reasonable to believe that a size-exclusion filter, such as the glomerulus base membrane, will not filter those protein conjugates smaller than a targeted size. Therefore, protein conjugates smaller than 10 kD also are relevant to the instant invention since one of ordinary skill will appreciate that they will pass through the glomerulus and are subject to reuptake in the proximate tubule.

Accordingly, Applicants submit that the use off protein conjugates not greater than 60

kD is fully enabled by the instant specification. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Double Patenting

In paragraphs 7 and 8 the Examiner has rejected claims 1-37 under the judicially created doctrine of obviousness- type double patenting over claims 1-12 of U.S. Patent No. 5,843,894. Applicants respectfully request that the rejection be held in abeyance until allowable subject matter is indicated. At that time, Applicants will consider the filing of a suitable Terminal Disclaimer, should one be needed.
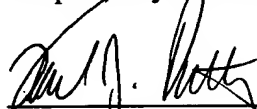
Conclusion

In view of the foregoing, it is respectfully urged that the present claims are in condition for allowance. An early notice to this effect is earnestly solicited. Should there be any questions, Examiner Burke is courteously invited to contact the undersigned at the telephone number shown below.

Respectfully submitted,

April 27, 2000
Date

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.

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